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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LEE, GUNYOUNG T	

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/799,393	HAGEN, DOUGLAS W.	
	Examiner	Art Unit	
	Gunyoung T. Lee	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/08/2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *09/09/04&02/07/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election of Group I (claims 1-16 and 34) in the reply filed February 08, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Notes & Remarks

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

3. Misnumbered claims 16 has been **renumbered 15**.

4. Misnumbered claims 17 has been **renumbered 16**.

5. Misnumbered claims 35 has been **renumbered 34**.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. The claims must be given their broadest reasonable interpretation. See MPEP § 2111.

9. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Reinert (US 5,779,434).

10. Reinert discloses a lighting system with an adjustable light fixture housing (Fig. 11).

11. In regards to claim 1, Reinert discloses:

- A light fixture housing (Fig. 11) arranged to be buried substantially below grade level (24), the light fixture housing having a light opening substantially at grade level (24);
- A light source arranged within the light fixture housing and generating light that passes through the light opening (col. 9, lines 63-64);
- A faceplate mechanism (Fig. 11, 107) mounted over the light opening;
- An adjustment mechanism (Fig. 11, 56) (Fig. 6, 87) to allow the height and angle of the faceplate mechanism to be adjusted over the light opening to match the height and angle of the surrounding grade level and angle (Abstract, lines 3-6).

12. In regards to claims 2-3, Reinert further discloses:

- Wherein the faceplate mechanism (Fig. 11, 107) comprises a lens, the light from the light sources passing through the lens (col. 9, lines 63-64) (claim 2);

- Wherein the lens (Fig. 11, 107) arranged to support the weight of foot or vehicle traffic without failing (col. 12, lines 36-40) (claim 3).

13. Claims 9-12 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shavalier (US 3,463,913).

14. Shavalier discloses an airport runway lighting system (Fig. 5).

15. In regards to claim 9, Shavalier discloses:

- A light fixture housing (Fig. 5, 20) arranged to be buried substantially below grade level (col. 4, lines 37-38), the light fixture housing having a light opening substantially at grade level (col. 2, line 56);
- A light source (Fig. 5, 66) arranged within the light fixture housing (20) and generating light that passes through the light opening (col. 3, lines 18-19);
- A faceplate mechanism (Fig. 5, 50) mounted over the light opening and held in place by mounting screws (40, 60);
- Wherein the faceplate mechanism (Fig. 5, 50) being at least partially rotatable over the light opening such that the location of the mounting screws (40) can be adjusted around the light opening (col. 2, lines 1-8).

16. In regards to claims 10-12 and 14-15, Shavalier further discloses:

- Wherein the mounting screws (Fig. 5, 60) pass through the faceplate mechanism (50) such that the top of the screws (60) are visible (claim 10);

- Wherein the faceplate mechanism (Fig. 5, 50) comprises a lens (68), the light from the light source (68) passing through the lens (col. 3, lines 18-19) (claim 11);
- Wherein the lens (Fig. 5, 68) arranged to support the weight of foot or vehicle traffic without failing (col. 1, lines 31-34) (claim 12);
- Wherein the light opening is circular (Fig. 1) and the faceplate mechanism is at least partially rotatable over the light opening (col. 2, lines 1-8) such that the location of the mounting screws (Fig. 5, 40) can be adjusted around the circumference of the light opening (col. 3, lines 20-29) (claim 14);
- Wherein the light fixture housing (Fig. 5, 20) is buried in proximity to another similar one of the light fixture housing (col. 1, lines 43-46), the mounting screws being adjustable around the light opening to align with mounting screws (40) in the other light fixture housing (col. 3, lines 20-29) (claim 15);
- A face plate (Fig. 4, 50) having a plurality of faceplate holes (54), a nut ring (25) having a plurality of nut ring holes (27-32), a level ling collar (Fig. 2, 33) having a plurality of collar slots (34-39), the leveling collar arranged between the nut ring (Fig. 5, 25) and faceplate (50) (claim 16).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

19. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinert (US 5,779,434) as applied to claims 1 and 2 above, and further in view of Olsson et al. (US 4,996,635).

20. In regards to claim 4, Reinert discloses the invention substantially as claimed except for a lens made of tempered borosilicate glass. Olsson et al. discloses a light assembly (Fig. 1) with a lens (36) made of tempered borosilicate glass. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the tempered borosilicate lens of Olsson et al. for the lighting system of Reinert to provide a lens with a low elastic modulus (allowing more deformation), for the purpose of preventing failure of the lens when the lighting system is under a high load

due to mismatching in elastic modulus between the lens and the surrounding metal (stainless steel) housing.

21. Claims 1 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinert (US 5,779,434) in view of Shavalier (US 3,463,913).

22. Reinert discussed in the rejection of claim 1 further discloses a conventional airport inset light system as a prior art (Fig. 2).

23. In regards to claims 1 and 5-8, Reinert discloses:

- A light fixture housing (Fig. 2) arranged to be buried substantially below grade level (24), the light fixture housing having a light opening substantially at grade level (24) (claim 1);
- A light source obviously arranged within the light fixture housing and generating light (Fig. 2, 33) that passes through the light opening (claim 1);
- A faceplate mechanism (Fig. 2, 107) mounted over the light opening (claim 1);
- An adjustment mechanism (Fig. 2, 2-14) to allow a height of the faceplate mechanism to be adjusted over the light opening (claim 1);
- Wherein the adjustment mechanism (Fig. 2, 2-15) comprises a plurality of mounting posts (3, 8, 12, 14) on the light fixture housing, the faceplate mechanism (107) arranged on the mounting posts (claim 5);
- A plurality of threaded post holes (col. 1, lines 47-48), each of the plurality of mounting posts (Fig. 2, 3, 8, 12, 14) having a threaded section to mate with a

respective one of the threaded post holes, the turning of each of the mounting posts within its respective post hole adjusting the height (claim 6);

- A leveling collar (Fig. 2, 15) resting on the mounting posts (claim 7);
- An optical chamber (Fig. 2, 95) resting on the leveling collar (15) with substantially all of the chamber within the light fixture housing (claim 8);

24. However, Reinert does not expressly disclose that the faceplate mechanism is angularly adjusted over the light opening (claim 1). Shavalier discloses an airport runway lighting system having a faceplate mechanism (Fig. 5, 50) which is angularly adjusted over the light opening (col. 2, lines 1-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the face plate mechanism of Shavalier for the lighting system of Reinert to adjust the faceplate angularly, for the purpose of correcting the mis-oriented or –leveled light fixtures during the installation without re-installation which is a very time and money consuming process.

25. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shavalier (US 3,463,913) as applied to claims 9-11 above, and further in view of Olsson et al. (US 4,996,635).

26. In regards to claim 13, Shavalier discloses the invention substantially as claimed except for a lens made of tempered borosilicate glass. Olsson et al. discloses a light assembly (Fig. 1) with a lens (36) made of tempered borosilicate glass. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to use the tempered borosilicate lens of Olsson et al. for the airport runway lighting system of Shavalier to provide a lens with a low elastic modulus (allowing more deformation), for the purpose of preventing failure of the lens when the lighting system is under a high load due to mismatching in elastic modulus between the lens and the surrounding metal (stainless steel) housing.

27. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinert (US 5,779,434) in view of Shavalier (US 3,463,913) and Case (US 6,254,258).

28. Reinert discussed in the rejection of claim 1 further discloses a conventional airport inset light system as a prior art (Fig. 2).

29. In regards to claim 34, Reinert discloses:

- A light fixture housing (Fig. 2) arranged to be buried substantially below grade level (24), the light fixture housing having a light opening substantially at grade level (24);
- An optical chamber (Fig. 2, 95) arranged within the light fixture housing, wherein the chamber holds a light source generating light (33) that passes through the light opening;
- A faceplate mechanism (Fig. 2, 107) mounted over the light opening and to the optical chamber (95) and held in place by mounting ting screws (14);
- An adjustment mechanism (Fig. 2, 3-6, 9-10, 12) to allow a height of the faceplate mechanism to be adjusted over the light opening to match the height of the surrounding grade level;

- A holding mechanism (Fig. 2, 1, 2, 7, 11) for holding the light fixture housing at the desired height within a hole prior to being buried.

30. However, Reinert does not expressly disclose that the faceplate mechanism is at least partially rotatable over the light opening, and an anti-condensation valve one the optical chamber. Shavalier discloses an airport runway lighting system having a faceplate mechanism (Fig. 5, 50) which is at least partially rotatable over the light opening (col. 2, lines 1-8). Case discloses an anti-condensation valve (Fig. 2) for a sealed lighting system (Fig. 1, 20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the face plate mechanism of Shavalier and the anti-condensation vale of Case for the lighting system of Reinert to adjust the faceplate angularly and to prevent condensation in the chamber, for the purpose of providing proper lighting by preventing moisture condensation in the chamber during operation and correcting the misalignment of the light fixture.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rogers (US 1,853,321), Pannier (US 4,924,364), Rector (US 5,450,300) and Christiansen (US 6,168,290) show in-grade lighting systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
4/3/2006

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